

ACC-175 Doc. Code: COM  
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Commonwealth of Kentucky  
Court of Justice [www.courts.ky.gov](http://www.courts.ky.gov)  
KRS 24A.260



### SMALL CLAIMS COMPLAINT

Case No. \_\_\_\_\_

Court District Small Claims

County \_\_\_\_\_

Assigned Court Date: \_\_\_\_\_

Plaintiff:

Company  Individual (for individual, enter first, middle and last names)  
 Name Barry Wayne Mattingly  
 Address [REDACTED]  
Henderson, Ky 40143

Plaintiff's Attorney (if any):  Firm  Individual

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_

Defendant:

Company  Individual (for individual, enter first, middle and last names)  
 Name NEXTGEAR CAPITAL  
 Address 2005 Peachtree Dunwoody Road  
Atlanta, GA 30328 Re: Agent CSC-Lawyers Incorp. Service Co.  
421 W. Main St  
Frankfort, Ky 40601

#### NOTICE TO EACH DEFENDANT - READ CAREFULLY

You are being sued in Small Claims Court by the Plaintiff shown above. The judge has not made a decision in this case. You are to appear in court on the date shown on the attached summons to tell your side of the dispute. If you fail to appear in court on the date shown on the attached summons, a court judgment may be taken against you for the money or property demanded in the Claim on page 2 of this document. This could lead to garnishment of your paycheck and/or sale of your home or other belongings (unless protected by law) to satisfy the judgment. If you have questions or need assistance, consult the Small Claims Information pamphlet (P-6) or call an attorney.

#### WARNING REGARDING JURY TRIAL (KRS 24A.320; 29A.270)

There are no jury trials in Small Claims Court. If the amount in controversy exceeds \$250, you may have a jury trial by going into District Civil Court. However, the simplified and informal procedures used in Small Claims Court do not apply in District Civil Court. If you request a jury, you will be required to pay an additional fee.

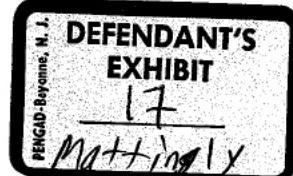
To the Plaintiff: If you want a jury trial, file your claim in District Civil Court instead of Small Claims Court

To The Defendant: If you want a jury trial, you must notify the court clerk in writing at least seven (7) days before the court date listed on the attached summons to have the case transferred from Small Claims Court to District Civil Court.

Clerk \_\_\_\_\_

Address \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone No. \_\_\_\_\_



MA-000566

**EXHIBIT V**

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Plaintiff's Name Barry Wayne Mattingly

**CLAIM**

**1. Plaintiff claims Defendant:**

On May 9, 2012. Nextor Capital representative Lourdes Givens conducted an unlawful repossession. Under the supervision of Mrs. Givens, Anthony Towing out of Shepherdsville, Ky and other unidentified parties, forcibly entered locked garage causing damage to entry door lock etc. After entry, proceeded to obtain 2 vehicles by force, and causing damage to garage door open & front outside of garage. REMOVED KEYS STATE TOOK ALL KEYS from key rack in garage and all dealer plates off wall.

**NOTE TO PLAINTIFF:** Only the Complaint will be served on the Defendant. Attachments WILL NOT be served.

2. Plaintiff claims the sum of \$ \$ 1,836.00 from the defendant for damages incurred as a result of the above complaint. (The jurisdictional authority of Small Claims Court is \$2,500.00, exclusive of interest and costs. KRS 24A.230).

3. Plaintiff also claims the following court costs: \$ 100.00  
Court costs will be added to any judgment rendered in favor of plaintiff.

Date: October 24, 2013.

Barry Mattingly

**SMALL CLAIMS AFFIDAVIT**

KRS 24A.250(1) reads as follows: **No party shall file more than twenty-five (25) claims in any one (1) calendar year in the Small Claims Division of any District Court in the Commonwealth. Any business engaged in trade or commerce shall be entitled to the maximum number of claims allowed under this section of each established location in the district that has been engaged in trade or commerce for at least six (6) months. KRS 24A.250(4) exempts claims brought by city, county or urban-county governments from the limit on the number of claims that may be filed in a calendar year.**

I swear (or affirm) I have not brought more than the maximum number of claims allowed by KRS 24A.250.

Date: \_\_\_\_\_, 2\_\_\_\_\_.

Affiant's Signature

Subscribed and sworn to before me by \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_, 2\_\_\_\_\_. My Commission expires: \_\_\_\_\_, 2\_\_\_\_\_.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_